

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Holly School District)	File No. SLD-69154
Holly, Colorado)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: July 30, 2003

Released: July 31, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. CenturyTel, Inc., on behalf of Holly School District (Holly), Holly, Colorado, seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), on September 21, 2001.¹ For a review of decisions by SLD issued on or after August 13, 2001, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision date.² Here, Holly filed its appeal on June 2, 2003, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

2. To the extent that Holly additionally asks us to waive our rules in this instance, we also deny its request.³ Holly states that two individuals responsible for the E-Rate program left the company during the time the filing should have been made.⁴ Waiver is appropriate only if

¹ Letter from Cecil Lipscomb, CenturyTel, Inc., to Federal Communications Commission, filed June 2, 2003 (Request for Review); Letter from the School and Libraries Division, Universal Service Administrative Company, to Melanie Reppond, CenturyTel, Inc., dated September 21, 2001. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

³ 47 C.F.R. § 54.720(b).

⁴ Request for Review.

special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁵ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁶ As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.⁷ Staffing problems do not relieve applicants of their responsibility to comply with the program's rules and procedures.⁸

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on June 2, 2003, by Holly School District, Holly, Colorado, IS DISMISSED, and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁶ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

⁷ *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program's rules).

⁸ *See, e.g., Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.04-13-00.31900001, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 10910 (Com. Car. Bur. 2001) (denying waiver request in case when employee responsible for filing failed to do so).